

Remarks:

The Office Action of the Examiner mailed September 12, 2006 is appreciated.

With respect to Claims 1 - 9, Applicant has followed the suggestions of the Examiner with respect to Claim 1 and it is believed that the rejection based on 35 U.S.C. § 112 has been overcome and the independent claim is in condition for allowance. Applicant has made two minor housekeeping changes to Claim 2. With respect to Claim 7, the comment of the Examiner is correct in that the language of Claim 7 is inconsistent with the amendment made to Claim 1 in the prior response. Accordingly, Claim 7 has been cancelled.

With respect to Claim 9, Applicant has taken up the suggestions on page 3 of the Office Action and has incorporated the changes into the claim. Specifically, Applicant has adopted the suggestion of the Examiner that "right angle" be changed to -- right angle bend -- throughout the claim. In addition, Applicant has noted several places in the claim where changes were required to make Claim 9 consistent with the amendment made to Claim 1 in the prior response. It is now believed that Claim 9 is in proper form and condition for allowance.

With regard to Claim 11, Applicant has again followed the Examiner's suggestions with respect to the language, "right angle," and has made appropriate changes. At the same time, as in Claim 9, inconsistencies existed between the language in Claim 11 and Claim 10. Claim 11 has been appropriately modified and changes (discussed below) were made to Claim 10 so as to distinguish the prior art.

With respect to Claim 10, the Examiner has rejected the claim based on Miller '794. Applicant has made two modifications to Claim 10 so as to clearly distinguish this prior art. First, Applicant has added language making it clear that the panels in the insulated concrete form of the invention are rectangular in shape, and that the short axis of the panels are oriented

or disposed vertically. That distinguishes the suggestion at Column 4, lines 15-19 of the Miller '794 patent that the form may be used in the vertical position, the only position wherein the form has "vertical" wires. Secondly, Applicant has added "metal strips" to the two ties claimed, specifically stating that the metal strips are "fixedly attached" to the horizontal wires adjacent the opposite ends thereof. The description of the position or location of the metal strips relative to the horizontal wires has been described as in Claim 1.

With the two additional limitations set forth in Claim 10, it is clear that the claimed invention distinguishes the prior art Miller '794 patent.

It is submitted that all of the claims in the application are now in form and condition for allowance and the same is respectfully requested.

Dated this 27th day of November, 2006.

Respectfully submitted,

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